

# EXHIBIT A

**From:** [Chris Kachouroff](#)  
**To:** [Frey, Timothy](#)  
**Cc:** [Bedell, James](#); [Loftus, Julie](#); [Manske, William E.](#)  
**Subject:** Re: Smartmatic v. Lindell - Defendants' Motion to Modify the Scheduling Order/Opposition to Plaintiffs' Motion to Modify  
**Date:** Wednesday, July 31, 2024 10:00:33 PM  
**Attachments:** [image.png](#)


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Tim, file your reply. I consent

On Wed, Jul 31, 2024 at 7:13 PM Frey, Timothy <[TFrey@beneschlaw.com](mailto:TFrey@beneschlaw.com)> wrote:

Thank you, Chris. While we seem to disagree as to whether or not this is a new motion, to the extent we can indicate to the Court that you do not oppose our request to file a reply, we can argue our respective positions at the August 9 hearing. If you can please confirm you do not oppose the request for a reply, we will get that request on file with the Court.

Tim



Timothy M. Frey  
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**From:** Chris Kachouroff <[chris@mck-lawyers.com](mailto:chris@mck-lawyers.com)>  
**Sent:** Wednesday, July 31, 2024 4:39 PM  
**To:** Frey, Timothy <[TFrey@beneschlaw.com](mailto:TFrey@beneschlaw.com)>  
**Cc:** Bedell, James <[JBedell@beneschlaw.com](mailto:JBedell@beneschlaw.com)>; Loftus, Julie <[JLoftus@beneschlaw.com](mailto:JLoftus@beneschlaw.com)>; Manske, William E. <[WManske@robinskaplan.com](mailto:WManske@robinskaplan.com)>  
**Subject:** Re: Smartmatic v. Lindell - Defendants' Motion to Modify the Scheduling Order/Opposition to Plaintiffs' Motion to Modify

Tim,

I really don't see what the dispute is--it's not a "new" motion. But rather than argue that point, I am happy to enter a consent order or otherwise so that you can file a response. Does that work for you?

On Wed, Jul 31, 2024 at 4:02 PM Frey, Timothy <[TFrey@beneschlaw.com](mailto:TFrey@beneschlaw.com)> wrote:

Chris,

We disagree with the contention that a new, belated motion can be folded into an opposition brief. This is in large part because, under the local rules, we do not get a reply as a matter of right and therefore have no

mechanism to respond to the arguments in the new “motion.” We will be moving the Court to allow Smartmatic to file a reply in response to your filing. I wrote to you to explain Smartmatic’s position regarding your opposition filing prior to contacting the Court for relief.

Regarding the request for documents related to Professor James’s report, please see the attached prior communication with indexed Bates numbers responsive to Defendants’ RFP Nos. 48 and 49. Furthermore, Appendix C of Professor James’s report lists documents he considered in rendering his opinions, which includes documents produced in this litigation. None of the Professor James’ opinions set forth in his report relies on any documents not cited in Appendix C or in the footnotes to his report.

Thank you,

Tim



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**From:** Chris Kachouroff <[chris@mck-lawyers.com](mailto:chris@mck-lawyers.com)>

**Sent:** Wednesday, July 31, 2024 10:12 AM

**To:** Frey, Timothy <[TFrey@beneschlaw.com](mailto:TFrey@beneschlaw.com)>

**Cc:** Bedell, James <[JBedell@beneschlaw.com](mailto:JBedell@beneschlaw.com)>; Loftus, Julie <[JLoftus@beneschlaw.com](mailto:JLoftus@beneschlaw.com)>; Manske, William E. <[WManske@robinskaplan.com](mailto:WManske@robinskaplan.com)>

**Subject:** Re: Smartmatic v. Lindell - Defendants' Motion to Modify the Scheduling Order/Opposition to Plaintiffs' Motion to Modify

Tim,

Good morning. I'm not sure what you wish to accomplish by this email. The Court ordered me to file my response. That I propose a different solution in response to your motion does not mean this is the type of pleading that has to be separate.

Also, to follow up on our conversation about your expert Christopher James and the information we may use to file a rebuttal to him, will you all please give me an index to the latest document production you sent over in May? I am trying to evaluate whether we were able to find everything. Otherwise, if you can send the Bates numbers for the documents which you contend satisfy the

financial information, that would be helpful. I would then be able to tell you in short order whether we need to file a response.

Many thanks,

Chris

On Wed, Jul 31, 2024 at 10:00 AM Frey, Timothy <[TFrey@beneschlaw.com](mailto:TFrey@beneschlaw.com)> wrote:

Chris,

We write regarding Defendants' Motion to Modify the Scheduling Order, which is included in the body of Defendants' July 24 Opposition to Plaintiffs' Motion to Modify (Dkt. 314). Although we intend to object to the Motion portion of your opposition brief as untimely because it was filed 15 days after the July 9 deadline to file non-dispositive motions, we also note that your Motion fails to comply with the requirements set out in Local Rule 7.1(b). Accordingly, if you intend to pursue your Motion, we ask that you do so in accordance with the Local Rules so that Smartmatic can properly respond within the framework of the Local Rules.

Please let me know if you would like to further discuss.

Thanks,

Tim



Timothy M. Frey  
Partner | Litigation  
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Inline image 1



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Inline image 1

